

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,	)	Criminal No. 21-014 (MJD/LIB)
	)	
Plaintiff,	)	<b>MOTION TO SUPPRESS EVIDENCE</b>
	)	<b>OBTAINED AS A RESULT OF</b>
v.	)	<b>SEPTEMBER 13, 2020</b>
	)	<b>WARRANTLESS SEARCHES AND</b>
RALPH EDWARD CLOUD, Jr.,	)	<b>SEIZURES</b>
	)	
Defendant.	)	

Discovery produced to date reflects that, in addition to the execution of a number of search warrants, several warrantless searches were also conducted. Specifically, warrantless searches were conducted of the Beverly Smith residence and of Mr. Cloud's home and person, including the collection of DNA evidence from him, on September 13, 2020. It is alleged that the searches of and seizures from Mr. Cloud, which happened in a setting dominated by federal and tribal law enforcement personnel, were consensual. The documentation shows them to have been conducted both without the apparent authority of court-issued search warrants or the presence of exigent circumstances.

Accordingly, Mr. Cloud, through counsel, respectfully moves the Court pursuant to Rule 12, Federal Rules of Criminal Procedure, to suppress any physical evidence obtained as a result of a search and seizure on the following grounds:

1. That the warrantless searches lacked authorization and occurred without the presence and justification of exigent circumstances.
2. That any consent to search given by defendant or any other person was invalid as coerced or beyond that person's apparent authority.

This motion is based on the indictment, the records and files in the above-entitled action, and any and all other matters which may be presented before or at the time of the hearing on its merits.

Dated: February 15, 2021

Respectfully submitted,

*s/ Andrew H. Mohring*

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